

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MICHEL PAYNE,**

**Plaintiff,**

**V.**

**CONTRACTOR LABOR, Local 1140,  
TOM MERCER, and SEAN FLOWERS,**

**Defendants.**

**8:06CV685**

## ORDER

This matter is before the court on the defendants' Motion in Limine and Motion for a Protective Order under Fed. R. Civ. P. 26 (c) (Filing No. 27). In their motion the defendants ask that this court bar the use of the Nebraska Equal Opportunity Commission (NEOC) subpoenaed documents at trial without a prior court hearing and bar the plaintiff from publicly disclosing the documents contained in the NEOC file.

The defendants' Motion in Limine is premature. Motions in Limine will be considered at or after the pretrial conference.

With respect to the defendants' request for a Fed. R. Civ. P. Rule 26 (c) protective order, Rule 26(c) provides that upon a showing of good cause, a court "may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." Due to the inherent confidential nature of the produced documents, the court will order that the NEOC records be produced pursuant to a protective order limiting the parties' use of the documents to purposes directly related to this litigation and prohibiting their disclosure to anyone outside this litigation.

**IT IS ORDERED:**

1. The defendants' Motion in Limine (Filing No. 27) is denied as premature, without prejudice to reassertion at an appropriate time during the proceedings.
2. The defendants' Motion for a Protective Order (Filing No. 27) is granted. The

parties shall only use the documents in the NEOC file for purposes directly related to this litigation and are prohibited from disclosing the documents to anyone outside this litigation.

DATED this 23rd day of March, 2007.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge